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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,120

10/02/2003

Cheryl E. Perkins

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7590 08/20/2007
Patent Law Offices of Walter L. Beavers
326 South Eugene Street
Greensboro, NC 27401

EXAMINER

MUSSELMAN, TIMOTHY A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,120

Applicant(s)

PERKINS ET AL.

Examiner

Timothy Musselman

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 10 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Art Unit: 3714

DETAILED ACTION

Status of Claims

In response to the amendment filed 7/30/2007, claims 10 and 12-16 are pending. Claims 1-9 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 10, 12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. (US 6,663,456).

Regarding claim 10, Gemma discloses methods for developing and expressing imagination, creativity, and thinking skills. See col. 2: 1-4. The disclosed method comprises providing and displaying at least one costumed doll, a finger puppet glove, and finger puppets. See col. 2: 56-67. Note that a puppet is a movable doll, and thus this citation describes both a puppet and a doll. Gemma further discloses providing media presentations in addition to, and in synchronization with, the finger puppets/dolls. See col. 1: 56-60. Gemma further discloses wherein the story media can be in the form of audio/video, picture books, or any combination thereof. See col. 4: 11-20.

Art Unit: 3714

Gemma does not disclose wherein the subject matter of the presentations pertain to the topic of multiculturalism, but only that the invention is used for educational purposes. See col. 2: 1-4. Applicants claimed limitations regarding the specifics of the subject matter of the presentations do not represent a patentably distinguishable improvement over Gemma, but instead are obvious design variations that fall within the scope of Gemma. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the system of Gemma to teach various topics, including multiculturalism, because the teaching of various topics is precisely the function of Gemma, and variation of the specifics regarding these topics simply represent obvious and expected design variations.

Regarding claim 12, examiner takes OFFICIAL NOTICE that the reproduction and distribution of activity sheets pertaining to various class topics is old and well known in the art and has been a method of teaching in classroom settings for centuries. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature in the system of Gemma, because such a combination would produce no unexpected results, but would instead just be a combination of elements known in the art. As for the subject matter of the activity sheets pertaining to multiculturalism, this subject matter limitation represents an obvious design choice as described above with respect to claim 1.

Regarding claim 15, the inclusion of teaching about a third culture would be an obvious design variation as described above with reference to claim 1, since teaching various topics is an expected and obvious design variation of Gemma.

Regarding claim 16, Gemma further discloses a storage container. See col. 4: 17-44.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gemma, Jr. (US 6,663,456) in view of Cutler et al. (US 5,122,062).

Art Unit: 3714

Regarding claims 13-14, all of the features of parent claim 10 are disclosed as described above, but there is no teaching wherein the educational process includes the use of flashcards, and no teaching of indicating features on a map. However, Cutler discloses an educational system that includes both of these features. See col. 3: 59-64, and fig. 2, label 14. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize flash cards and maps (e.g. maps in the picture books or video presentations) in the system of Gemma, because the use of such elements does not produce any unexpected results, but is instead simply a combination of teaching methods old and well known in the art. As for limitations pertaining to the specific subject matter of multiculturalism, these limitations are merely a design choice as described above with respect to claim 10, and fall within the scope of the expected use of the educational system of Gemma.

Response to Arguments

Applicant's arguments dated 7/30/2007 have been fully considered. The arguments pertaining to the invalid prior art date of the Pokempner reference are persuasive, the previous rejection is withdrawn, and this action is made NON-FINAL.

Applicants arguments pertaining to Gemma's failure to disclose the claimed family and multicultural aspects of the instant method are not persuasive. Examiner acknowledges that there are no such disclosures in the Gemma reference. However, examiner asserts that the Gemma reference is sufficiently broad so as to include obvious design variations, including various educational themes such as multiculturalism.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Musselman whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

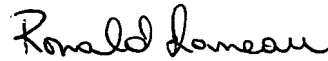
Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Ronald Laneau
~~Supervisory~~ primary Examiner
Art Unit 3714

8/16/07